

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

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Public Safety And Homeland Security

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PS Docket No. 06-229

Bureau Seeks Comment On

))

Petitions For Waiver To Deploy 700 Mhz

)

Public Safety Broadband Networks

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**COMMENTS BY ADAMS COUNTY COMMUNICATIONS CENTER ON  
PETITIONS FOR WAIVER TO DEPLOY 700 MHZ PUBLIC SAFETY BROADBAND  
NETWORKS**

ADAMS COUNTY COMMUNICATIONS CENTER

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**COMMENTS BY ADAMS COUNTY COMMUNICATIONS CENTER ON  
PETITIONS FOR WAIVER TO DEPLOY 700 MHZ PUBLIC SAFETY  
BROADBAND NETWORKS**

Adams County Communications Center (ADCOM 911), as a first round recipient of a 700 MHz Public Safety Broadband Waiver,<sup>1</sup> hereby submits these comments in response to the Commission’s September 15, 2010 Public Notice (DA 10-1748) wherein the Public Safety and Homeland Security Bureau requests comments on petitions for waiver filed by various additional public safety entities seeking authority to deploy public safety broadband systems in the 700 MHz public safety spectrum. In these comments ADCOM 911 will address the Bureau’s four (4) issues published in the Public Notice (DA 10-1748).

**I. ELIGIBILITY UNDER SECTION 337**

ADCOM 911 agrees with the Bureau’s current interpretation of 47 USC Section 337 (f)(1) limiting use of the 700 MHz public safety spectrum to entities providing public safety services where the term "public safety services" means services - the sole or principal purpose of which is to protect the safety of life, health, or property.<sup>2</sup> We realize that inclusion of commercial critical infrastructure operations as part of the “public safety services” definition could provide additional funding streams for agencies wishing to deploy 700 MHz public safety broadband networks. We also realize the value of interoperability with critical infrastructure operations during critical events. However, we believe that the needs of public safety first responders that currently meet the “public safety services” definition of Section 337 have existing needs to fully utilize the 700 MHz public safety spectrum.

Broadening the definition of “public safety services” to include critical infrastructure operations would further reduce the spectrum available to public safety first responders in

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<sup>1</sup> See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229, *Order*, 25 FCC RCD 5145 (2010) (“*Waiver Order*”)

<sup>2</sup> See 47 U.S.C. §337(f)(1).

the long term. Further, in the current “Waiver Order”<sup>3</sup> paragraph 54 requires that Petitioners be required to offer service to any eligible public safety entity requesting service within the system’s footprint. Expanding the definition of “public safety services” could further financially burden existing 700 MHz public safety broadband network builders by increasing capacity requirements for the additional users that they would be required to provide service to according their existing waiver and the Long Term *De Facto* Spectrum Lease Agreement entered into with the Public Safety Spectrum Trust Corporation (PSST) section 1.d.i..<sup>4</sup>

## **II. ADDRESSING OVERLAPPING REQUESTS**

ADCOM 911 also agrees with the Bureau’s finding that states provide the most appropriate geographic size for consideration of waiver relief. In cases where a state has applied for a waiver and the states geographic coverage area includes a geographic area already granted a waiver, the state and existing waiver recipient should develop a governance structure for network operations and provide a plan to integrate the existing waiver holder’s network into the state network, alleviating any interference issues and assuring seamless network operation between systems including integration into the National Broadband Network.. After signing a Long Term *De Facto* Spectrum Lease with the PSST, the State may be allowed to assume the role of the Long Term *De Facto* Spectrum Lessee should the current lessee choose to terminate there existing lease and operate under the State lease.

In cases where a state is the only applicant for a waiver the state should develop a governance structure for network operations, and develop a plan to integrate with other networks including the National Broadband Network.

In cases where waivers have been requested but no state waiver has been requested; the waiver requesters should be required to develop a governance structure for network operations, provide a plan to integrate the proposed network/s into the National Broadband Network, alleviating any interference issues and assuring seamless network operation between systems.

## **III. ISSUES RELATED TO THE TIMING OF BUREAU ACTION AND THE VOLUME OF WAIVERS RECEIVED IN RELATION TO THE COMMISSION’S OVERALL INTEROPERABILITY GOALS**

ADCOM 911’s supports the Public Safety Communications Research (PSCR) proposal for a hybrid Public Land Mobile Network (PLMN) ID numbering plan. We realize that there are a number of issues that have yet to be resolved before a final plan can be implemented. Also in light of the fact that the Emergency Response Interoperability Center (ERIC) is still working to develop interoperability standards for the National Broadband Network; ADCOM 911 believes that the Bureau should limit the number of waivers by adopting a policy requiring a regional consolidation of networks to a state geographic level. This policy should allow for an organization representing a regional governance structure to apply for the regional or statewide waiver.

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<sup>3 3</sup> See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229, *Order*, 25 FCC RCD 5145 (2010) (“*Waiver Order*”)

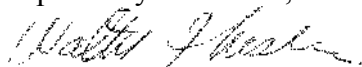
<sup>4</sup> See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229, *Order*, 25 FCC RCD 5145 (2010) (“*Waiver Order*”) *Appendix B*.

#### **IV. IMPACT SUCH ADDITIONAL WAIVERS MAY HAVE ON THE BUDGET OF THE PUBLIC SAFETY SPECTRUM TRUST (PSST).**

A constant reevaluation of the PSST budget is incongruous with the PSST mission. Any new waiver recipients should pay the currently established Administrative Lease Fee. An annual accounting can be used to determine any excess revenues collected. These revenue overages should be credited forward to the next year's budget and a new Annual Administrative Lease Fee assessed.

November 17, 2009

Respectfully submitted,



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